

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JOHN POLITZ and HELEN POLITZ

PLAINTIFFS

V.

CIVIL ACTION NO.1:08CV18 LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY,  
U.S. SMALL BUSINESS ADMINISTRATION, ET AL.

DEFENDANTS

**OPINION AND ORDER DENYING NATIONWIDE MOTION *IN LIMINE* [278]  
AND DENYING PLAINTIFF'S MOTION *IN LIMINE* [271] AS MOOT IN LIGHT OF THE  
ORDER [294] ENTERED ON THE PARTIES' MOTIONS [125] [157] FOR ESTOPPEL**

The parties have both filed motions *in limine* asking the Court to exclude evidence that may be offered to support a finding that the damage to the insured property was caused 100% by the peril of wind or by storm surge flooding. These issues were decided in my ruling of May 11, 2009 (Docket Number 294), and that ruling will apply to the issues raised by these motions [278] [271].

Accordingly, it is

**ORDERED**

That the motion *in limine* filed by Nationwide [278] and the motion *in limine* [271] filed by the plaintiff are **DENIED AS MOOT** because the issues raised by these motions were decided in the opinion [294] entered on May 11, 2009.

**SO ORDERED** this 18<sup>th</sup> day of May, 2009.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE